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## United States Senate

WASHINGTON, DC 20510

August 11, 2010

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Russell K. Girling  
President and Chief Executive Officer  
TransCanada Corporation  
450 - 1 Street SW  
Calgary, Alberta, Canada  
T2P 5H1

Dear Mr. Girling:

I write concerning the Keystone XL pipeline project under consideration by the Department of State. As you may know, I have repeatedly expressed concern that maximum care be taken to safeguard the Ogallala Aquifer, an irreplaceable natural resource in the State of Nebraska. In addition, I have posed questions to both TransCanada and federal agencies involved in the permitting process and look forward to receiving answers.

Today, however, I write with a separate but equally serious concern relating to ongoing negotiations between Nebraska landowners and TransCanada and the threatened use of eminent domain. I have had multiple conversations with Nebraskans who have indicated that TransCanada representatives have established hard deadlines for landowner responses to offers for easement payments, within as little two weeks, I am told.

Such deadlines may be the normal course of business for negotiations between private parties. However, Nebraska landowners are being told in addition that the use of eminent domain authority will be triggered if they do not accept the offers extended by TransCanada within the arbitrary deadlines. The establishment of such deadlines is especially troubling because TransCanada does not possess the Presidential Permit required for the project.

I therefore ask for your assurance that:

1. TransCanada will under no circumstances terminate negotiations or otherwise refuse to further negotiate with any landowner, or threaten landowners with the use of eminent domain while TransCanada's permit application remains pending;
2. TransCanada will immediately notify landowners that negotiation deadlines have been withdrawn.

Thank you for your prompt attention to this matter. I would appreciate a reply on or before September 14, 2010. If TransCanada has established a deadline with any Nebraska landowner that expires prior to September 14, 2010, I ask that you respond prior to that deadline, and confirm that you have notified landowners that any such deadline has been withdrawn.

Sincerely,



Mike Johanns  
United States Senator

cc: Sean McMaster, Executive Vice-President Corporate and General Counsel  
Paul Elliott, Government Relations

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